

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-10258 of 2017
Date of Decision :-17.8.2017**

Charanjit Singh Dhami

.....Petitioner

Versus

The State of Punjab and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr.Kartik Gupta, Advocate
for the petitioner.

Mr.K.S. Aulakh, DAG, Punjab.

Mr.P.S. Kanwar, Advocate
for respondent No.2.

H.S.MADAAN, J. (ORAL)

The instant petition under Section 438 Cr.P.C. read with Section 482 Cr.P.C. for pre-arrest bail has been filed by petitioner Charanjit Singh Dhami, who has been summoned as an accused in a complaint bearing No.118 dated 14.5.2015 filed by Charanjit Singh son of Uttam Singh, under Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and 506 IPC.

Inter alia, in the petition, it is contended that the petitioner is present Sarpanch of village Bassi Daulat Khan and he has been performing his duties with utmost efficiency and sincerity, whereas

the complainant is a notorious person who has been bearing a grudge against the petitioner due to party factionalism inasmuch he has opposed the complainant in the election of Sarpanch. Such complainant Charanjit Singh had cut the trees belonging to the Panchayat without any permission and had sold the same to one Nirmal Kumar for a sum of Rs.24,000/- and when the petitioner confronted the complainant, he started threatening and abusing him stating that in case the matter is informed to any authorities, then in such an eventuality, he would have to face dire consequences. The petitioner had moved a complaint dated 1.4.2015 to the Block Development Officer, Hoshiarpur against the complainant Charanjit Singh. As a counter-blast, complainant Charanjit Singh has filed a complaint on wrong allegations alleging that present petitioner had used defamatory and abusive language regarding the caste of complainant in the presence of other Panchayat members since said complainant belongs to scheduled caste community. In the complaint filed by him, the present petitioner has been summoned as an accused.

Apprehending his arrest in this case, Charanjit Singh Dhami accused had approached the Court of Sessions seeking grant of pre-arrest bail but his such application was dismissed by the Court learned Additional Sessions Judge, Hoshiarpur vide order dated 8.3.2017. As such he has approached this Court asking for similar relief.

Notice of the petition was given to respondents and respondent No.2 (complainant) put in appearance through his counsel whereas respondent No.1 – State has appeared through State counsel.

Vide order dated 24.3.2017, the petitioner was

granted the interim bail observing that in case the petitioner duly puts in appearance before the trial Court within a period of one week from that date, he would be entitled to interim bail subject to the satisfaction of the trial Court.

Learned counsel for the petitioner has stated that the petitioner has since put in appearance before the trial Court on 29.3.2017. He has placed on file copy of order passed by Judicial Magistrate Ist Class, Hoshiarpur in that regard. This fact is conceded by learned counsel for the complainant.

I have heard learned counsel for the petitioner and learned State counsel assisted by learned counsel for the complainant besides going through the record.

Learned counsel for the petitioner contends that the petitioner had not used any filthy or unparliamentary language against the complainant much less touching his caste and the present complaint has been filed as a counter-blast to the complaint submitted by present petitioner against him.

Learned counsel for the complainant has controverted these allegations opposing the request for grant of pre-arrest bail. However, I find that it will only be established during the trial as to whether offence under Sections 3 and 4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 would be made against the petitioner. The petitioner has since put in appearance in the Court.

As such, the interim bail granted to the petitioner on

24.3.2017 is made absolute, subject to his fulfilling conditions under
Section 438(2) Cr.P.C.

The petition stands allowed accordingly.

17.8.2017

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(H.S. MADAAN)
JUDGE

Whether reasoned/speaking :

Yes/No

Whether reportable :

Yes/No